

Exhibit D

Of Appendix To Plaintiffs' Motion for Default Judgment and Memorandum in Support Thereof

C.A. No. 4-05-CV-514-Y *AzTex Dairy, Inc., Fred R. Lueck, Sr., and Judy A. Lueck v. Jimmy Dale Anderson*, In the United States District Court for the Northern District of Texas, Fort Worth Division

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
FORT WORTH DIVISION**

AZTEX DAIRY, INC.; FRED R.
LUECK, SR. AND JUDY A. LUECK,

Plaintiffs,

v.

JIMMY DALE ANDERSON,

Defendant.

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Civil Action No. 4-05CV-514-Y

MILITARY AFFIDAVIT

State of Texas §
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County of Harris §

BEFORE ME, the undersigned authority, on this day personally appeared Jacob Scott Janoe, known to me to be the person whose name is subscribed below, and after being first duly sworn, stated as follows:

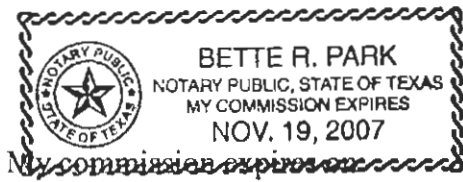
1. "My name is Jacob Scott Janoe. I am over eighteen years of age, am of sound mind, have never been convicted of a felony. I am competent to make this affidavit. The facts stated in this affidavit are within my personal knowledge and are true and correct.
2. I am an attorney who represents AzTex Dairy, Inc.; Fred R. Lueck, Sr.; and Judy A. Lueck, in two lawsuits, including the above-captioned matter.
3. On April 8, 2005, I attended a deposition of Mr. Anderson in a separate matter.
4. In response to questions concerning his occupation, Mr. Anderson stated under oath that he was a retired bullfighter and self-employed rancher. Mr. Anderson did not state that he was in the military.

FURTHER AFFIANT SAYETH NOT.



Jacob Scott Janoe

SWORN TO AND SUBSCRIBED before me by Jacob Scott Janoe on this 30th day of September, 2005.



Bette R. Park
Notary Public

Nov. 19, 2007